

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HUMBERTO FEIJOO,)
Plaintiff,)
)
v.) C.A. No. 12-11453-GAO
)
MASSACHUSETTS DEPARTMENT OF)
PUBLIC SAFETY, ET AL.,)
Defendants.)

MEMORANDUM AND ORDER

O'TOOLE, D.J.

On October 24, 2012 *pro bono* counsel was appointed for the Plaintiff. On February 4, 2013, counsel filed a Motion to Amend Complaint, with the proposed Amended Complaint. Plaintiff's Motion to Amend Complaint (Docket No. 17) is ALLOWED. The Amended Verified Complaint (Docket No. 17-1) is deemed to be the operative pleading in this action; however, in order to maintain the record, the Amended Verified Complaint shall be docketed by counsel as a separate docket entry.

The Clerk shall issue summonses as to: (1) the Massachusetts Department of Public Safety; (2) the Massachusetts Department of Corrections; (3) Luis Spencer, Commissioner of the Department of Corrections; (4) Karen DiNardo, Deputy MCI Shirley Medium; (5) Jane Doe, the UMass Correctional Health Services nurse at MCI Shirley; and (6) Kelly Ryan, Superintendent of MCI Shirley Medium.

The Clerk shall send the summonses and this Memorandum and Order, along with the standard service package, to Plaintiff's counsel, who must thereafter serve the Defendants in accordance with Federal Rule of Civil Procedure 4(m).

Because the Plaintiff is proceeding *in forma pauperis*, he may elect to have service made by the United States Marshal Service. If directed by the Plaintiff to do so, the United States Marshal shall serve the summonses, Amended Complaint, and this Memorandum and Order upon the Defendants, in the manner directed by the Plaintiff, with all costs of service to be advanced by the United States Marshal Service.

Notwithstanding Fed. R. Civ. P. 4(m) and Local Rule 4.1, the Plaintiff shall have 120 days from the date of this Order to complete service.

SO ORDERED.

/s/ George A. O'Toole, Jr.
GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

DATED: February 22, 2013